

Remarks

Claims 1-27 are currently pending in the patent application. The Office Action dated November 20, 2009 indicated the following grounds of rejection: claims 15-19 and 26 stand rejected under 35 U.S.C. § 103(a) over Edholm (U.S. Patent No. 6,449,269) in view of Swartz (U.S. Patent No. 6,445,694); and claims 1-14, 20-25 and 27 stand rejected under 35 U.S.C. § 103(a) over Shaffer *et al.* (U.S. Patent No. 6,125,108) in view of Truetken (U.S. Patent No. 6,493,324). Applicant respectfully traverses these rejections, and further does not acquiesce to any rejection or averment in the instant Office Action unless Applicant expressly indicates otherwise. Moreover, as the Office Action largely repeats the rejections of record, Applicant fully incorporates its June 30, 2009 Response herein.

Applicant notes that the Examiner's assertions in the Interview Summary dated November 5, 2009, inappropriately characterize an informal telephone call between the Examiner and Applicant's representative, as no formal interview was established. This is consistent with Applicant's Response filed on December 3, 2009, which is fully incorporated herein. The "Interview Summary" is further improper because it mischaracterizes Applicant's statements regarding the believed allowability of limitations in claim 2, and further recites allegations of what the "Examiner found" that were not discussed in the interview, which "findings" are further addressed as erroneous in the following discussion.

Applicant respectfully traverses the § 103(a) rejections of claims 15-19 and 26 because the '269 reference, alone or in combination with the Swartz '694 reference, lacks correspondence to the claimed invention. For example, neither of the asserted references teaches aspects of the claimed invention directed to a CPU that is responsive to user-interface inputs by programmably configuring (remote) IP telephony devices via an object-oriented programming interface and an IP telephony link, or to a user interface device that is programmed to provide the IP telephony communications configuration information to the CPU (see claim 15). As the cited references fail to disclose these limitations, the rejections fail.

More specifically, the rejections appear to rely upon the Examiner's continued confusion between configuring a central system for routing calls, and controlling such a central system to configure IP telephony devices with which such calls are routed. For example, the Examiner's Response to Arguments misinterprets the cited references in

asserting that “[t]he configuration selections made by the subscriber over the user-interface received by the CPU are used to configure the subscriber’s IP telephony device.” Applicant submits that the portions of the ‘694 reference cited in support of this assertion (Figures 2, 6, 8 and 9, column 3:39-59) disclose no such limitations, and instead involve inputting configuration selections to a remote central system that routes calls, where the remote system does not program any IP telephony device. For example, the discussed of “plug-in” programs (column 3:56), as with the discussed HTML applications, involve user-input functions that are used at a user’s PC to configure a “host services computer.” Nothing in these cited portions makes any mention of the host services computer configuring the user’s PC or any IP telephony device, much less doing so in response to user interface inputs as claimed. Because neither reference teaches these aspects, no reasonable interpretation of the asserted prior art, taken alone or in combination, can provide correspondence. Accordingly, the § 103 rejection of claim 15, as well as claims 16-19 and 26 that depend from claim 15, is improper and should be removed.

Applicant also traverses the § 103(a) rejections of claims 1-14, 20-25 and 27 because the cited ‘108 reference, either alone or in combination with the ‘324 reference, fails to correspond to various aspects of the claimed invention, including those directed to a programmable controller that programs a computer processor circuit at each of a plurality of telephony devices, responsive to a user’s selections as input through a user interface. In contrast, it appears that the cited user service selections are limited to establishing services for the (single) user’s own telephone, rather than controlling the configuration of a plurality of telephony devices. It further appears that the cited call feature “enable” functions are carried out at a control unit, and do not mention or otherwise disclose that the control unit programs a computer processor at each of the plurality of IP telephony devices, much less in response to a (single) user’s input selections.

Newly-cited column 4:1-18 of the ‘108 reference describes a user’s configuration of his or her own IP telephony device (device 20), where the configuration options are stored as profile data for use by a server (14) in enabling such features, thus also failing to disclose limitations directed to configuring a plurality of IP telephony devices. The Office Action has not established that the portions of the ‘108 reference cited in the

Response to Arguments (“service profile” and “menu options”) are used to “configure the IP telephony device” as asserted. Instead, these services appear to be provided by the server (14). Nothing in the cited references suggests that such functions involve any server-initiated configuration of the IP telephony devices themselves. In other words, enabling services that an IP device can access cannot be equated with actively configuring the IP devices. Accordingly, the Office Action has failed to establish correspondence to limitations directed to programming a computer processor circuit at each of the plurality of IP telephony devices, based upon a (single) user’s configuration option selection. Applicant therefore requests that the § 103 rejection of claims 1-14, 20-25 and 27 be removed.

Applicant further traverses all of the § 103 rejections because the cited references teach away from the Office Action’s proposed combination. Consistent with the recent *KSR* decision, M.P.E.P. § 2143.01 explains the long-standing principle that a § 103 rejection cannot be maintained when the asserted modification undermines either the operation or the purpose of the main reference - the rationale being that the prior art teaches away from such a modification. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1742 (2007) (“[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-obvious.”). Applicant submits that the combination would render the respective references inoperable because modifying the references to arrive at the Applicant’s claimed invention would remove the references’ respective configurations involving a central server or router, and replace those configurations with configuration at each of a plurality of respective IP telephony devices. This fundamental change would undermine the purposes of both the ‘269 and ‘108 references. Under M.P.E.P. § 2143.01, the rejections cannot be maintained. Moreover, as the instant Office Action has not addressed this traversal (as consistent with Applicant’s June 30, 2009 Response), the uncontroverted record as it stands (for Appeal) cannot support either of the § 103 rejections.

Remarks Corresponding to Applicant’s Previous Response:

The following addresses further aspects of Applicant’s traversals of record, identifying the lack of correspondence in the cited references.

Applicant respectfully traverses the § 103(a) rejections of claims 15-19 and 26 because the cited Edholm '269 reference either alone or in combination with the Swartz '694 reference lacks correspondence to the claimed invention. The rejections rely upon the Examiner's apparent confusion between the configuration of a central system that routes calls to a particular IP telephony device, with configuring the IP telephony device itself. For example, neither of the asserted references teaches the claimed invention "as a whole" (§ 103(a)) including aspects regarding a user interface device that is programmed to provide IP telephony communications configuration information to a (remote) CPU, where the CPU responds by programmably configuring IP telephony devices via an object-oriented programming interface and an IP telephony link. As consistent with Applicant's responses of record, all of the cited portions of the '269 reference refer to the control and/or configuration of a telephone server (*see, e.g.*, column 2:52-65), which does not provide teaching or suggestion of controlling and/or configuring an IP telephone as claimed. The call features to which the Examiner has referred are those features executed at a central telephone server, and do not pertain to telephone device configuration as suggested.

The Office Action's citations to the '694 reference similarly confuse the configuration of a central server with that of a specific IP telephone device. This is consistent with the cited Abstract of the '694 reference, which describes the reference's control approach as using a "web interface to populate a database with preference data which is used by the host services processor to ... [handle calls and other call features]." As with the '269 reference, the '694 reference's system does not involve programming any IP telephone device, and instead involves programming call routing functions at a central location, thus failing to overcome the lack of correspondence in the '269 reference. For instance, page 3 of the Office Action indicates that the '269 reference fails to disclose:

the CPU being programmed to receive the IP telephony user communications configuration selections from the user-interface device and in response to the received selections, programmably configure selected IP telephony device (sic) of an IP telephony communications system via the IP telephony communications link

In attempting to show correspondence to the above-indicated missing limitations, the Office Action simply asserts that the '694 reference discloses:

an internet-controlled telephony system wherein a subscriber makes communication configuration selections

However, this assertion and the cited "internet-controlled telephony system" of the '694 reference (per the above discussion) provide no correspondence whatsoever to limitations directed to a CPU adapted to "programmably configure selected IP telephony devices," or any communication with such a device via an IP telephony communications link for doing so. Instead, these "communication configuration selections" in the '694 reference relate to the configuration of the (central) internet-controlled telephony system itself, rather than any IP telephone, as relevant to its storage of preferences as cited from the abstract above.

Because neither reference teaches these aspects, no reasonable interpretation of the asserted prior art, taken alone or in combination, can provide correspondence. As such, the § 103(a) rejections of claims 15-19 and 26 are improper and should be removed.

Applicant maintains the traversals of the § 103(a) rejections of claims 1-14, 20-25 and 27, which appear to have been largely repeated from previous rejections, because the cited Shaffer '108 reference either alone or in combination with the Truetken '324 reference fails to correspond to the claimed invention. For example, neither of the asserted references teaches the claimed invention "as a whole" (§ 103(a)) including aspects regarding a programmable controller that programs a computer processor circuit at each of a plurality of telephony devices. In contrast, the only apparent programming takes place at a "control center" that is remote from any IP telephony device as cited. This is consistent with the above discussion regarding the Examiner's apparent confusion between the configuration of a central system that routes calls to a particular IP telephony device, with configuring the IP telephony device itself.

Contrary to the Office Action's assertions, the cited portions of the '108 reference fail to disclose or even recognize limitations including those directed to programming both a "control center and a computer processor circuit at each of the plurality of IP telephony devices." For instance, the cited service features at columns 3 and 4 are maintained at a server as service profile data and are used at the server, and never programmed into any circuit at an IP telephony device as claimed. Referring to column 8,

the cited discussion of enabling of call services remotely from an IP telephony device using “device service profile data” that is stored at a “first database of server 14” is similarly unrelated to the claimed invention. This profile data is used by a router 10 to “enable the first set of call services ... in the process of establishing an IP-telephony connection” as described at column 8:19-23, where the services are enabled at the router. The asserted “user service profile” at column 5 similarly refers to a profile that is configured in a “database of the server 14” and used for a “first router 10,” making no mention of the control and/or configuration of an IP telephone device.

These alleged “control” functions involve controlling a server and router, and do not provide any correspondence to “telephone administration control of a plurality of telephony devices” or to configuring “the plurality of IP telephony devices” as asserted or as in any of independent claims 1 or 20 (or as applicable to the claims that depend therefrom). As the secondary ‘324 reference is cited only as providing a user interface, the ‘324 reference fails to provide any further correspondence to the claimed control/configuration of an IP telephony device, which the ‘108 reference fails to disclose. Because neither reference teaches these aspects, no reasonable interpretation of the asserted prior art, taken alone or in combination, can provide correspondence. As such, the § 103(a) rejections of claims 1-14, 20-25 and 27 are improper and should be removed.

In view of the above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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